

**CHARGE:** Between 3-12-57 and 3-17-57, *Mystectin capsules* and *Cortone Acetate tablets* were each dispensed twice upon requests for prescription refills without authorization by a prescriber; and *Meticorten tablets* were dispensed once without a prescription.

**PLEA:** Not guilty by Beckman and Dwyer.

**DISPOSITION:** On 3-10-59, the case was tried before the court without a jury. The defendants were found guilty, and, on 5-4-59, were each fined \$250 and placed on probation for 5 years.

5696. (F.D.C. No. 42035. S. Nos. 41-272 M, 41-284 M, 41-287 M, 80-392 M.)

**INFORMATION FILED:** 3-9-59, Dist. Minn., against Village Drugs, Inc., Newport, Minn., Robert E. North (president and manager), Robert A. North (vice president), and Allen N. Doeltz (pharmacist).

**CHARGE:** Between 12-5-57 and 12-30-57, *pentobarbital sodium capsules* and *Dewedrine Spansule capsules* were each dispensed once upon request for prescription refills without authorization from the prescriber; and *penicillin tablets* and *tablets containing sulfadiazine, sulfamerazine, and sulfamethazine* were each dispensed once without a prescription.

**PLEA:** Guilty by the corporation to all counts; by Robert E. North to the counts involving the *pentobarbital sodium capsules* and *Dewedrine Spansule capsules*; by Robert A. North to the count involving the *penicillin tablets*; and by Doeltz to the count involving the *pentobarbital sodium capsules*.

**DISPOSITION:** 4-27-59. Corporation—\$500 fine; Robert E. North—\$250 fine; Robert A. North and Allen Doeltz—each \$25 fine. Each individual also placed on probation for 3 months.

5697. (F.D.C. No. 40597. S. Nos. 24-293/300 M, 50-601/23 M, 50-642 M, 50-646 M, 51-179/80 M, 51-186/87 M.)

**INDICTMENT FILED:** 3-26-58, S. Dist. Calif., against George E. Fakehany, M.D., David E. Pearl, D.O., and Raymond M. Braddock, D.O., Los Angeles, Calif.

**CHARGE:** The indictment alleged in count I that the defendants willfully and knowingly conspired, combined and agreed together, with each other, and with other persons, to violate 301(k); that it was a part of the conspiracy that prescription drugs such as *amphetamine sulfate tablets*, *pentobarbital sodium capsules*, and *secobarbital sodium capsules* would be dispensed without a prescription while held for sale after shipment in interstate commerce; that such drugs would be repackaged from bulk containers into pill boxes which did not bear the statement "Caution: Federal law prohibits dispensing without prescription"; that such drugs in the pill boxes would be held for ready dispensing; that George E. Fakehany would operate a medical office at 738 North Highland Avenue, Los Angeles, Calif., under such names as Highland Medical Group, Highland Medical Center, and Highland Medical Clinic; that George E. Fakehany would employ at such office, a staff which included David E. Pearl and Raymond M. Braddock; that a pill box containing 50 *amphetamine sulfate tablets* would sell for \$5.00 and a pill box containing 30 *pentobarbital sodium capsules* or *secobarbital sodium capsules* would sell for \$3.00; that a record book would be maintained in which were noted the names of customers who were "O.K." and to whom the drugs in the pill boxes could be sold whenever such customers asked for them; that a new customer could have his name recorded in the record book and thus become eligible to purchase drugs by having an established customer introduce him to one of the defendants as a

friend who wanted the drugs; that when a customer would come to the medical office to buy the drugs, he would be required to make his request known to the receptionist, or to one of the defendants, or to one of the other persons employed at the medical office, to the effect that a customer who wanted *amphetamine sulfate tablets* would say that he wanted "reducers" or "50," and a customer who wanted *pentobarbital sodium capsules* or *secobarbital sodium capsules* would say that he wanted "sleepers" or "30"; that a customer would commonly ask for "reducers and sleepers" or for "50 and 30"; and that the defendants would sell to the customer the drugs requested by the customer, without any medical history, physical examination, or laboratory determination, without ascertaining whether the customer had any bona fide need for such drugs, or whether the use of the drugs might involve danger to the health of the customer, without checking to determine whether the customer was becoming addicted to or dependent upon such drugs, without taking the initiative in suggesting medication, or any course of therapy, and without establishing a bona fide doctor-patient relationship; and, that in pursuance of the conspiracy and to effect the objects thereof, the defendants committed various overt acts including the selling of quantities of *amphetamine sulfate tablets*, *pentobarbital sodium capsules* and *secobarbital sodium capsules* without prescription, at various times between 4-27-55 and 2-23-56.

The indictment alleged also in counts 2-20 that, between 4-11-55 and 3-14-56, *amphetamine sulfate tablets* (counts 2, 4, 5, 7, 8, 10, 11, 12, 14, 16, 18, and 20) were dispensed 12 times, *pentobarbital sodium capsules* (counts 3, 6, 9, 17, and 19) were dispensed 5 times and *secobarbital sodium capsules* (counts 13 and 15) were dispensed twice without a prescription.

PLEA: Not guilty by Fakehany to all counts of the indictment; by Pearl to counts 1, 12, 13, 14 and 15; and by Braddock to counts 1, 8, 9, 10 and 11.

DISPOSITION: The case came on for trial before the court and jury on 8-5-58, and was concluded on 8-21-58, with the return by the jury of a verdict of guilty. On 9-15-58, the court fined Fakehany \$2,000 and Braddock \$500, which fines were suspended. The court also placed Braddock and Pearl on probation for 1 year.

5698. (F.D.C. No. 41727. S. Nos. 65-522 M, 65-524/5 M.)

INFORMATION FILED: 7-8-58, E. Dist. Ky., against Irene Hammonds Garrett, Lexington, Ky.

CHARGE: Between 8-21-57 and 10-7-57, *Dexedrine Sulfate tablets* were dispensed 3 times without a prescription.

PLEA: Not guilty.

DISPOSITION: The case came to trial before a jury on 3-19-59, and was terminated by a verdict of guilty on 3-20-59. On the same day, the court imposed a sentence of 6 months and 10 days in jail.

5699. (F.D.C. No. 41768. S. Nos. 82-261/5 M.)

INFORMATION FILED: 9-23-58, S. Dist. Tex., against Earsel H. Becton, t/a Burbank Pharmacy, Houston, Tex.

CHARGE: Between 11-2-57 and 11-8-57, *prednisone tablets* were dispensed twice, and *thyroid tablets*, *sulfisoxazole tablets*, and *penicillin tablets* were each dispensed once without a prescription.

PLEA: Not guilty.